

AMENDMENT TO THE CLAIMS

Kindly amend claims 1, 8, 9, 11, 12, and 18-20 and add claim 21 as follows.

1. (Amended) A substantially purified nucleic acid molecule comprising an enhancer element having:

(a) at least ~~90%~~ 95% sequence identity to the sequence of SEQ ID NO: 1 and at least ~~90%~~ 95% sequence identity to the sequence of SEQ ID NO: 2; or

*sub c1* (b) at least 95% sequence identity to the sequence of SEQ ID NO:3; or

(c) at least 95% sequence identity to SEQ ID NO:4.

2. (Original) The nucleic acid molecule of claim 1, wherein said element is naturally occurring.

3. (Original) The nucleic acid molecule of claim 1, wherein said element is non-naturally occurring.

*sub c2* 4. (Original) The nucleic acid molecule of claim 1, wherein said nucleic acid molecule comprises a binding site selected from the group consisting of Mef2, dHAND, GATA, TGF- $\beta$ , CarG, E-box, and Csx/Nkx2.5 binding sites.

*sub c3* 5. (Original) The nucleic acid molecule of claim 4, wherein said nucleic acid molecule further comprises an Sp-1 binding site.

6. (Original) The nucleic acid molecule of claim 1, wherein said nucleic acid molecule, when operably linked to a promoter, increases activity of said promoter by at least two-fold in a cardiac cell-specific manner.

7. (Cancelled)

7 8. (Amended) A substantially purified non-naturally occurring nucleic acid molecule having cardiac enhancer activity comprising SEQ ID NO:1 and SEQ ID NO:2, wherein said nucleic acid further comprises at least three transcription factor binding sites selected from Mef2, dHAND, GATA, TGF- $\beta$ , CArG, E-box, and a Csx/Nkx2.5 binding site sites.

8 9. (Amended) A substantially purified nucleic acid molecule comprising a cardiac-specific repressor element having at least 95% 80% sequence identity to the sequence of SEQ ID NO: 6.

10. (Cancelled)

9 11. (Amended) ~~A substantially purified~~ The nucleic acid molecule of claim 1 comprising a ~~cardiac-specific enhancer element having at least 90% sequence identity to the sequence of~~ SEQ ID NO: 4.

sub 10 12. (Amended) ~~An~~ expression vector comprising a gene linked to a regulatory sequence wherein said sequence is a cardiac enhancer element comprising:

(a) at least ~~95%-90%~~ sequence identity to the sequence of SEQ ID NO.: 1 and at least ~~95%-90%~~ sequence identity to the sequence of SEQ ID NO.: 2; ~~or~~

(b) at least 95% sequence identity to the sequence of SEQ ID NO:3; or

(c) at least ~~95%-90%~~ sequence identity to the sequence of ~~SEQ ID NO.:3~~ SEQ ID NO:4.

13-17. (Cancelled)

11 18. (Amended) The nucleic acid molecule of claim 1, wherein said enhancer

element ~~has at least 90% sequence identity to~~ comprises the sequence of SEQ ID NO.: 3.

12-19. (Amended) The nucleic acid molecule of claim 1, wherein said enhancer element comprises ~~has at least 95% sequence identity to the sequence of SEQ ID NO.: 1 and at least 95% sequence identity to SEQ ID NO.: 2.~~

13-20. (Amended) The nucleic acid molecule of claim 1, wherein said enhancer element ~~has at least 95% sequence identity to the sequence of~~ comprises SEQ ID NO.: 3.